

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDREA J. NUSSINOW,)
Plaintiff,)
vs.)
COUNTY OF COLUMBIA, RONALD)
PEREZ as President of the Columbia-Greene)
Humane Society Inc., and in his individual)
capacity, LEE DELISLE as Chief Investigator)
for the Columbia-Greene Humane Society)
Inc., and in his individual capacity, and)
COLUMBIA-GREENE HUMANE SOCIETY)
INC., doing business as the Columbia-Greene)
Humane Society/SPCA,)
Defendants.)
Docket No.: 19-CV-00332 (TJM) (CFH)

**STIPULATION & ORDER OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE AND IN FAVOR OF
CERTAIN DEFENDANTS ONLY**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Andrea J. Nussinow (“Nussinow”), and Defendants, Ronald Perez, Lee Delisle, and Columbia-Greene Humane Society Inc. (“SPCA Defendants”), in the instant civil action, all together “Stipulating Parties”, that:

WHEREAS, none of the Stipulating Parties is an infant or incompetent person for whom a committee has been appointed;

NOW THEREFORE, the above entitled action be and the same, hereby, is voluntarily dismissed against the SPCA Defendants, by Plaintiff, without prejudice, and not on the merits, and with the Stipulating Parties each bearing their own respective attorneys' fees, disbursements, and costs incurred in this action, and with the Stipulating Parties foregoing any application pursuant to FRCP Rule 54 for counsel fees, and;

The Stipulating Parties request that the Court "so order" the instant Stipulation & Order, and it is:

FURTHER STIPULATED AND AGREED, that: If Plaintiff, in her unfettered discretion, recommences the instant civil action no later than 60 days from the full and final termination of the criminal case captioned: PEOPLE v. Andrea Nussinow, now pending in the Town of Ghent Justice Court, and now alleging 35 counts of a violation of NYS Agriculture and Markets Law section 353 (“Criminal Case”), then:

1 1- The SPCA Defendants shall not interpose in said recommenced civil action, the
2 passage of time adversely to Plaintiff, including but not limited to interposing any and
3 all Statute(s) of Limitation(s), Statute(s) of Repose, Latches, and untimely filing and
4 service of any and all Notice(s) of Claim(s) defenses;

5 2- The SPCA Defendants shall not raise the provisions of FRCP Rule 41(d) in said
6 recommenced civil action adversely to Plaintiff.

7 This Stipulation & Order may be filed without further notice with the Clerk of the Court. This
8 Stipulation & Order may be executed and filed in counterparts, which when taken together shall
9 equal the whole, and a facsimile signature shall be valid as a pen and ink signature.

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11 Pascazi Law Offices PLLC, Attorneys for Plaintiff
12 Michael S. Pascazi, ESQ.

X Date: February 23, 2022

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15 X Date: February _____, 2022
16 Miranda Slone Sklarin Verveniotis LLP, Attorneys for Defendants, Ronald Perez, Lee Delisle,
17 and Columbia-Greene Humane Society Inc.
18 Richard S. Sklarin, ESQ.

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21 IT IS "SO ORDERED":
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25 Dated: _____, 2022

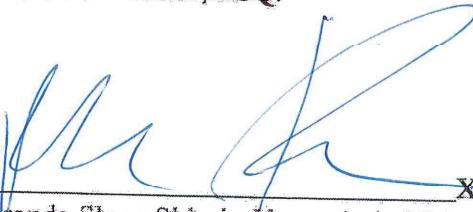
X

Thomas J. McAvoy
Senior United States District Judge

1 1- The SPCA Defendants shall not interpose in said recommenced civil action, the
2 passage of time adversely to Plaintiff, including but not limited to interposing any and
3 all Statute(s) of Limitation(s), Statute(s) of Repose, Latches, and untimely filing and
4 service of any and all Notice(s) of Claim(s) defenses;
5 2- The SPCA Defendants shall not raise the provisions of FRCP Rule 41(d) in said
6 recommenced civil action adversely to Plaintiff.

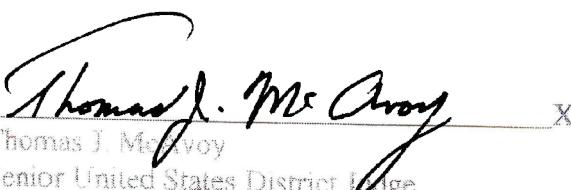
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11 X Date: February _____, 2022
12 Pascazi Law Offices PLLC, Attorneys for Plaintiff
13 Michael S. Pascazi, ESQ.

14 
15 X Date: February 23, 2022
16 Miranda Slone Sklarin Verveniotis LLP, Attorneys for Defendants, Ronald Perez, Lee Delisle,
17 and Columbia-Greene Humane Society Inc.
18 Richard S. Sklarin, ESQ.

19 IT IS "SO ORDERED":
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21 Dated: February _____, 24, 2022
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23 
24 X
25 Thomas J. McAvoy
Senior United States District Judge